

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

In re:

**OTIS PERRY, JR.
And CANDACE PERRY**

23-10735-BFK

Debtors.

Chapter No. 13

NAVY FEDERAL CREDIT UNION,

Plaintiff,

v.

**OTIS PERRY, JR.
And CANDACE PERRY
And, THOMAS GORMAN, Trustee,**

Defendants.

**MOTION FOR RELIEF FROM STAY
AND NOTICE OF MOTION AND HEARING THEREOF**

The Motion of Navy Federal Credit Union ("Plaintiff") respectfully represents:

1. On May 2, 2023, an Order for Relief was entered in this case upon the filing of a Petition in this Court by the Debtor.

2. Thomas Gorman was appointed Trustee of the property of Debtors and is qualified now and acting as Trustee. The filing of said petition acts as a stay against collection proceedings by Plaintiff against Defendants pursuant to 11 U.S.C. § 362.

3. At the time of the filing of the Petition in Bankruptcy herein, the Debtors owned a member shared savings account at NFCU, Account ending in #5806. At the time of the filing, that member savings account had \$77,611.37 on deposit.

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4. Plaintiff is the holder of a Promissory Note, Security Agreement, and Disclosure dated October 11, 2022 (“Note”), and the Note is secured by a lien on the member saving account ending in #5806. A copy of the Note is attached here to.

5. Pursuant to the terms of the Debtors’ Second Amended Chapter 13 Plan, in section 4(c), the Debtors have provided for adequate protection payments of \$1,000.00 to NFCU. In section 12, the Debtors provide, “[u]pon entry of a confirmation order Debtors will pay off the balance of the pledged acct loan to Navy FCU. Payments will be made directly from the funds in the pledged acct. at Navy FCU.

6. This plan was confirmed on September 20, 2023.

7. The balance on the Note as of today is \$82,066.67, and no payment has posted to the account since May 2, 2023, nor have the Debtors called NFCU to authorize the transfer of any payments from the member savings account ending in #5806 to pay down the Note.

8. NFCU seeks relief from stay in order to apply the funds in the amount of \$77,611.37 held in the pledged member savings account to the remaining balance on the Note.

9. The Debtors are unable to afford adequate protection due Plaintiff, and neither they nor their estate has grounds to resist the entry of an Order terminating the stay aforesaid.

10. Cause exists to terminate the stay aforesaid.

11. Plaintiff is being injured by its inability to proceed against the Vehicle securing the indebtedness due to the automatic stay provided for in 11 U.S.C. § 362.

WHEREFORE, Plaintiff moves that the automatic stay provided for by the provisions of Title 11 of the United States Code be modified in conformance therewith, that the provisions of Bankruptcy Rule 4001(a)(3) be waived, and that it be granted such other and further relief as this Court shall deem proper.

NOTICE OF MOTION

Navy Federal Credit Union, by counsel, has filed a Motion for Relief from Stay pursuant to 11 U.S.C. § 362.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to grant the relief sought in the motion, or if you want the court to consider your views on the motion, then on or before fourteen (14) days after service of this Motion, you or your attorney must:

X File with the court, at the address shown below, a written request for a hearing [or a written response pursuant to Local Bankruptcy Rule 9013-1(H)]. If you mail your request for hearing (or response) to the court for filing, you must mail it early enough so the court will receive it on or before the date stated in the motion and mail it to

Clerk of Court
United States Bankruptcy Court
200 S. Washington St,
Alexandria VA 22314

You must also mail a copy to:

Anastasia Kezman, Esquire
P.O. Box 10275
Virginia Beach, VA 23450-0275

Thomas Gorman, Trustee
1414 Prince St., Ste 202
Alexandria, VA 22314

You must also attend a hearing scheduled for on July 16, 2025, at 9:30 a.m. in Courtroom 1, Judge Kenney's Courtroom, 200 S Washington St, 2nd Floor, Alexandria, VA, 22314.

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

DATED this 18th day of June 2025.

Navy Federal Credit Union
By: /s/ Anastasia P. Kezman
Of Counsel

PROOF OF SERVICE

I hereby certify that on June 18, 2025, a true copy of the foregoing Motion for Relief from Stay and Motion for Relief and Notice of Motion and Hearing Thereof was transmitted electronically through the Court's CM/ECF system to Debtors' counsel, Daniel Press, Esq., the Chapter 13 Trustee, Thomas Gorman, and was mailed via first class mail to the Debtors at 5123 Cannon Bluff Dr. Woodbridge, VA 22192.

/s/ Anastasia Kezman